

### **Remarks**

Claims 1-14, 16, and 17 remain in the application. Claims 1, 8, 16, and 17 are independent. Claims 8, 16, and 17 are being amended. Support for these claim amendments can be found at least at Claim 1 of the specification. Applicant submits no new matter is being introduced by way of this Reply. Applicant respectfully traverses the rejections and objections. Reconsideration of this application in light of the following remarks is respectfully requested.

### **35 U.S.C. 103(a) rejections**

Claim 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelaez et al., U.S. Publication 2003/0147373, hereafter “Pelaez” in view of Natsuno, U.S. Patent Application 2003/0092455, hereafter “Natsuno.”

Applicant’s Claim 1 recites, in part, “as a response to a failed attempt for establishing the connection, the device automatically starting a multimedia messaging service (MMS) and activating a recording function of a sound clip...” In an example embodiment, the device automatically starts a multimedia messaging service in response to a failed attempt. The cited references do not teach automatically starting a multimedia messaging service.

Pelaez does not teach automatically starting multimedia messaging service. In support of this assertion, the Office Action on page 3, states “...Pelaez does not specifically disclose...the multimedia actions starts automatically...” Applicant agrees. Further, since Pelaez does not disclose starting multimedia actions automatically, Pelaez cannot disclose automatically starting a multimedia messaging service.

Natsuno does not disclose a device automatically starting a multimedia messaging service. Instead Natsuno discloses a telephone circuit connection unit, which judges that the mobile phone 10 did not respond to the call in the predetermined period of time. Upon failure, the mobile phone sends a message of apology and disconnects the voice communication circuit with the mobile phone. Stated differently, the mobile phone simply sends a message of apology and disconnects the voice communication. Therefore, Natsuno does not contemplate automatically starting a multimedia messaging service (Natsuno, paragraph [0088]).

Accordingly, Pelaez and Natsuno either taken separately or in combination do not teach or suggest the claim feature of “as a response to a failed attempt for establishing the connection, the device automatically starting a multimedia messaging service (MMS) and activating a recording function of a sound clip...” as recited in Claim 1. Accordingly, Applicants believe Claim 1 is in condition for allowance. Claims 2-6 depend from Claim 1 so they too should be allowable for at least the same reasons as Claim 1.

Claim 7 was rejected under 5 U.S.C. 103(a) as being unpatentable over Pelaez in view of Natsuno.

Claim 7 depends from Claim 1 so it should be allowable for at least the same reasons as stated above in view of Claim 1.

Claims 8-14 and 16-17 appear to be rejected on page 6 for the same reasons as Claims 1-7.

Independent Claims 8, 16, and 17 include similar features as Claim 1 and as such should be allowable. Since Claims 9-14 depend from Claim 8, they too should be allowable by way of their dependency of Claim 8. Acceptance is requested.

**Conclusion**

It is clear from the foregoing that the claims are in condition for allowance. An early formal notice of allowance of claims is respectfully requested. Examiner is invited to contact the undersigned with any questions.

Please charge any deficiency or credit any overpayment that may be due in this matter to Deposit Account Number 50-0270.

Respectfully submitted,

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**Certificate of Service**

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on the date indicated below.

/Beverly Sparkman/  
Signed

September 17, 2009  
Date